

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No. 09/771,436

Attorney Docket No. Q62839

REMARKS.

General remarks.

Claims 1-10 are all the claims pending in the application. Claims 1-6 have been broadened by eliminating unnecessary limitations and have been modified without being narrowed to conform more closely to U.S. practice. No new matter has been added.

Formal matters.

Applicant respectfully requests the Examiner to withdraw the objection to claim 7 in view of the self-explanatory amendment shown above. The Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph, as allegedly being unclear or indefinite. Applicant respectfully disagrees with the Examiner, and respectfully submits that claim 4, as originally presented, was sufficiently clear for the artisan of ordinary skill to understand what was sought to be protected. Nevertheless, however, the rewriting of claims 1-6 in closer conformance to U.S. practice is respectfully submitted to have overcome the potential difficulty pointed out by the Examiner vis-à-vis claim 4, and thus Applicant respectfully requests the Examiner to reconsider the rejection under 35 U.S.C. § 112, ¶2.

The Examiner objected to figure 3, apparently finding some inconsistency between the description in the specification and the content of the flow diagram. Applicant respectfully requests the Examiner to reconsider this objection. After carefully reading the specification, applicant finds that the specification is in harmony with figure 3. The Examiner is respectfully requested to withdraw this objection because the alleged error in figure 3 is not really an error.

The prior art rejection.

The Examiner rejected the claims as being unpatentable over Ando in view of Chaudhuri. Applicant respectfully traverses this rejection, first with respect to independent claim 1. This claim requires an MS-SPRING. Ando includes such a ring, but lacks any network manager. Ando does not teach or suggest a network manager that calculates a current route of a path. Ando

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teaches only that each network element includes pre-stored path information that is locally used to make rerouting determinations. Chaudhuri, on the other hand, includes any network manager but lacks any relevance to an environment in which an MS-SPRING is used.

Applicant notes with interest the Examiner's opinion that the person of ordinary skill would have found it obvious to use the teachings of Chaudhuri in an MS-SPRING environment such as Ando. Applicant disagrees with the Examiner's opinion because Chaudhuri explicitly states (in column 1, lines 14-23) that:

Presently, SONET/SDH ring networks comprise the most common type of self-healing network design. While SONET/SDH ring networks offer quick restoration and are easy to implement, such ring networks are not cost-effective for many applications. For example, a highly connected network with most of the nodes each having at least three links requires or spare capacity when designed in a ring configuration than a comparable design with mesh configuration in which spare capacity is shared by the entire network more efficiently.

What Chaudhuri teaches is that the kind of network mentioned in Ando offers quick restoration and is easy to implement, and is self-healing. Chaudhuri states that such a network is not cost-effective, and so a mesh kind of network is preferable, and can achieve self-healing according to Chaudhuri's other teachings.

Chaudhuri teaches that the SONET/SDH type of ring network (i.e., an MS-SPRING network) does not need the kind of self-healing mechanism that is mentioned in the rest of the Chaudhuri specification. Because the kind of ring network mentioned in Ando does not need the self-healing network management structure mentioned in Chaudhuri, why would the person of ordinary skill be motivated to change the ring network of Ando by imposing upon it an unnecessary self-healing network management structure? Of course, the only logical conclusion

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is that the person of ordinary skill would not have combined Chaudhuri with Ando because Chaudhuri teaches away from such a combination.

Since the Ando-Chaudhuri combination is illogical, and since such a combination appears difficult or impossible for the person of ordinary skill to implement, applicant respectfully submits that the person of ordinary skill would not have (and could not have) combined the references in the manner suggested by the Examiner. Applicant therefore respectfully requests the Examiner to reconsider, and to withdraw this rejection of independent claim 1.

The foregoing comments apply, at least by analogy, to the rejection of independent claim 7. For such reasons, applicant therefore respectfully requests the Examiner also to withdraw this rejection of independent claim 7.

In as much as the independent claims are allowable over the prior art, applicant respectfully requests the Examiner also to withdraw the prior art rejections with respect to dependent claims 2-6 and 8-10.

Conclusion and request for telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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